



PATENT

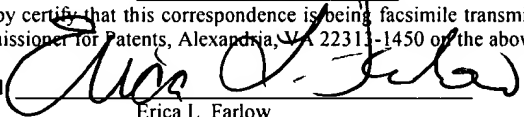
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of )  
Lucas et al. )  
Application No. 09/678,010 )  
Filed: October 03, 2000 )  
For: PROVIDING BREAK POINTS IN VIRUS )  
SCANNING OPERATION )

Examiner: Chen, Shin Hon  
Art Unit: 2131  
Date: April 27, 2005

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 on the above date.

Signed   
Erica L. Farlow

Issue Fee Payment Transmittal

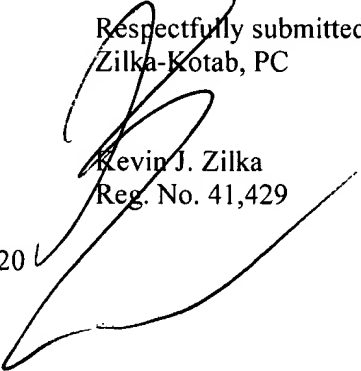
Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following items:

- 1) Comments on Statement of Reasons for Allowance
- 2) Part B- Issue Fee Transmittal in duplicate for billing purposes
- 3) Return Postcard

Respectfully submitted,  
Zilka-Kotab, PC

  
Kevin J. Zilka  
Reg. No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
(408) 971-2573



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of	)	
	)	Examiner: Chen, Shin Hon
Lucas et al.	)	
	)	Art Unit: 2131
Application No. 09/678,010	)	
	)	
Filed: October 03, 2000	)	
	)	Date: April 27, 2005
For: PROVIDING BREAK POINTS IN VIRUS	)	
<u>SCANNING OPERATION</u>	)	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 on the above date.

Signed:

Erica L. Farlow

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowance mailed April 07, 2005, please enter the following.

REMARKS

The Examiner has stated in the Examiner's statement of reasons for allowance the following: "[t]he prior arts of record fail to teach or suggest ... calculating during virus scanning operation a measurement value indicative of an amount of data processing performed during said virus scanning operation and the measurement value is based a data size of the computer file and a complexity of tests of the virus scanning operation."

In response, applicant points out that at least a portion of the claims are not limited to such features. Just by way of example, Claim 1 requires:

"calculating during said virus scanning operation a measurement value indicative of an amount of data processing performed during said virus scanning operation, wherein the measurement value is based, at least in part, on at least one of a data size of the computer file and a complexity of tests of the virus scanning operation" (emphasis added).

Reconsideration is requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAI1P157\_00.091.01).

Respectfully submitted,  
Zilka-Kotab, P.C.

Kevin J. Zilka  
Registration No. 41,429

P.O. Box 721120  
San Jose, CA 95172-1120  
Telephone: (408) 505-5100